

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD OF PUERTO RICO,

As representative of

THE COMMONWEALTH OF PUERTO RICO,  
*et al.*,

Debtors.

PROMESA

Title III

No. 17-BK-3283-LTS

(Jointly Administered)

**This filing relates to the Commonwealth,  
HTA, and ERS.**

**RESPONSE AND OPPOSITION TO THE TWO HUNDRED THIRTY SECOND  
OMNIBUS OBJECTION (NON-SUBSTANTIVE) REGARDING CLAIM NO. 4756  
BIBLIOTECA Y CENTRO DE ESTUDIOS DE PUERTO RICO, INC.**

TO THE HONORABLE COURT:

COMES NOW the Claimant in Claim No. 4756, Biblioteca y Centro de Estudios de Puerto Rico, Inc., represented by the undersigned and before this Honorable Court responds and opposes the Two Hundred Thirty Second Omnibus Objection regarding Claim No. 4756.

1. On April 12, 2018 creditor Biblioteca y Centro de Estudios de Puerto Rico, Inc. duly filed Proof of Claim No. 4756 in the amount of \$64,100.00, and attached thereto evidence substantiating said proof of claim. Debtor apparently has not received the attachment or misplaced it and includes erroneously claim no. 4756 in its aforesaid omnibus objection. Creditor herein is the owner of \$50,000.00 principal amount of bonds issued by the Employee Retirement System of Puerto Rico, and Debtor owes principal, interest and damages pursuant to Claim No. 4756 due to the default of Debtor. The said bonds originally were with the Brokerage Firm of Charles Schwab and now are in the Brokerage Account of Biblioteca with HJ Syms.

2. Creditor Biblioteca y Centro de Estudios de Puerto Rico, Inc. is owed by the Employee Retirement System of Puerto Rico the principal amount of \$50,000.00 and the accumulated interest thereon since Biblioteca y Centro de Estudios de Puerto Rico, Inc. is the owner of \$50,000.00 of bonds issued by the Employee Retirement System of Puerto Rico, CUSIP No. 29216MAC4. Attached hereto and made part of this motion and of the filed Proof of Claim is the Charles Schwab Brokerage Firm Investment Statement describing in detail the said bonds. **Exhibit 1.** The Employee Retirement System of Puerto Rico has defaulted and not paid said principal and has not paid the interest thereon and has caused economic damage to the Creditor. Debtor by defaulting has deprived Creditor of monies needed for its operations and programs.

3. The Creditor has a valid and proper claim, filed as Proof of Claim No. 4756.

4. Claimant of Claim No. 4756 opposes and contests any and all disallowances of the entirely valid and proper Claim No. 4756. Claimant demands trial by Jury of any action to disallow this claim.

5. The sought disallowance is contrary to law and fact. The damages and debt in Claim No. 4756 proceed. Thus, contrary to the allegation of the Two Hundred Thirty Second Motion, the sought disallowance of Claim No. 4756 is substantively and illegally attempts to deprive Creditor of his rightful Claim No. 4756. Regarding Claim No. 4756, the Two Hundred Thirty Second objection is an illegal taking without due process of law. Claim No. 4756 should proceed and is rightful and proper. Claimant herein of Claim No. 4756 invokes its constitutional rights under the Fifth and Fourteenth Amendments to the United States Constitution and demands Trial by Jury against any and all disallowance.

6. Claimant reserves the right to supplement, amend and amplify this opposition.

**WHEREFORE**, the Claimant respectfully requests that this Honorable Court approve and allow Claim No. 4756; reject any and all sought disallowance of Claim No. 4756; and/or provide Claimant a Trial by Jury.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 21<sup>st</sup> day of August 2020.

I hereby CERTIFY that the instant Response and Opposition to Two Hundred Thirty Second Omnibus Objection Regarding Claim No. 4756 – Employee Retirement System of Puerto Rico was filed using the CM/ECF System of this Honorable Court which shall notify all Attorneys of record in this case.

/s/ *Luis P. Costas Elena*

Luis P. Costas Elena  
[luissatsoc@aol.com](mailto:luissatsoc@aol.com)

/s/ *David W. Román*

David W. Román, Esq.  
USDC-PR #125709  
E-mail: [doman@ubbarri-romanlaw.com](mailto:doman@ubbarri-romanlaw.com)

**UBARRI & ROMAN LAW OFFICE**  
PO Box 79564  
Carolina, Puerto Rico 00984-9564  
Tel: (787) 945-5900  
Fax: (787) 945-5902